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policy the defendant company sets up as a defense that the deceased committed suicide. Papers written by deceased to his wife and found by her after his death, in which he gave directions testamentary in nature, were admitted over the plaintiff's objection that they were confidential communications between husband and wife. *Held*, that they were properly admitted. *Whitford v. North State Life Ins. Co.*, 79 S. E. 501 (N. C.).

The principal case is based on a statute that speaks of "communications made by one to the other during marriage," practically the statement of the common-law rule. The interpretation that a communication is not made during marriage because it does not become known to the other party till after the death of the sender seems a narrow construction of the rule, possible only in a court with a decided dislike for this privilege. The fact that the reason often given for the rule, namely, the protection of the marriage relationship (see 4 WIGMORE, EVIDENCE, § 2332), is not present in the principal case, cannot be appealed to in support of denying the privilege, for the attempt to use this as a test would carry one too far in breaking down the privilege. The case is interesting as it seems to be one of first impression.

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## BOOK REVIEWS.

CASES AND OPINIONS ON INTERNATIONAL LAW AND VARIOUS POINTS OF ENGLISH LAW CONNECTED THEREWITH. Collected and Digested from English and Foreign Reports, Official Documents and other Sources, with Notes containing the Views of the Text-Writers on the Topics referred to, Supplementary Cases, Treaties, and Statutes.

PART II. WAR.

PART III. NEUTRALITY.

By Pitt Cobbett. London: Stevens and Haynes. 1913. pp. xxxii-547.

The above comprehensive title-page is descriptive of the book. This title is condensed on the outside cover to Leading Cases on International Law, Pitt Cobbett, Part II. War, Part III. Neutrality. Third Edition.

The treatment of Parts II and III relating to war and neutrality is distinctly superior to that of Part I, relating to peace. (See review, 23 HARV. L. REV. 653.) Not merely is the general treatment superior, but the cases better illustrate the principles discussed and are generally more modern. The book shows clearly the progress toward conventionalization of international law, particularly as relates to war and neutrality. The issue of the book was delayed by the uncertainty of the action of Great Britain on the International Prize Court Convention of 1907 and the Declaration of London of 1909, action which is still uncertain. Many cases which were regarded as authoritative at the end of the nineteenth century have become in the early days of the twentieth century merely of historical interest, because of the general acceptance of conventions. There are also many new names among the cited cases. The Spanish-American, South African, and Russo-Japanese wars furnished new precedents. Indeed the book opens with a presentation of the controversy between Russia and Japan in 1904 in regard to the necessity of notice prior to opening of hostilities. The Hague Convention, 1907, No. 3, relative to the Opening of Hostilities, Article I, is discussed as if translated "the Contracting Powers recognize that hostilities between them *ought not to commence* without a previous and explicit warning," etc. In the appendix where the Convention is given, the more approved translation is followed, viz.: "that hostilities *must not commence*," etc.

The argument for the determining of "enemy character" by domicile rather than by nationality is excellently presented. There is a recognition of international servitudes which some recent writers have hastily presumed to disregard.

Naturally the much-discussed Article 23 (h) of the Hague Convention relative to the Laws and Customs of War on Land receives attention. Article 23 (h) states that it is forbidden "to declare extinguished, suspended, or unenforceable in law, the rights and rights of action of enemy subjects." The German and British interpretation of this article are opposed, and other interpretations are at variance with both. One fact is evident: the next Hague Conference should make the article clear. In general the Anglo-American point of view is supported in the discussion of the effect of war on commercial relations. The provisional and unsatisfactory character of some of the Hague Conventions of 1907, *e. g.* the Convention relative to Submarine Mines, is made plain, but the rapid development from custom to code with provision for compensation or other penalty in case of violation is not overlooked.

The modern recognition of the rights of aliens is evident in many provisions, but the exclusion of claims for indirect and for consequential damages seems to be generally accepted. The extension of the doctrine of internment to war upon the sea and to vessels of war delaying beyond the conventional period in a neutral port is another of the principles which has been recognized in the twentieth century. There is a full and frank acceptance of the category of "unneutral service" which some authors were disinclined to accept a few years ago. The names of cases suggest the recent precedents in international law. *Kowshing, Ryeshitelni, Manjur, Terek, Lena, Askold, Haimun, Quang-Nam*, mingle with the well-known *General Armstrong, Peterhoff, and Trent*.

Of the Declaration of London, 1909, the author says that it is likely "to become in a great measure the standard of international action in the future." This statement gains ample support from the fact that the provisions of the Declaration of London are now generally introduced into the instructions issued by various states for the government of their naval forces in their relations to neutrals.

While the references to authorities are generally satisfactory, yet in some cases the references are not to latest editions, as of Calvo, Halleck, Heffter, Lawrence, Nys.

Appendices contain the text of most of the Hague Conventions of 1907 and the Declaration of London of 1909. The Index, which is otherwise good, does not refer to these pages.

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CANADA'S FEDERAL SYSTEM. By A. H. F. Lefroy. Toronto: The Carswell Company. 1913. pp. lxxviii, 898.

This is an interesting commentary on the British North America Act, 1867, and supplemental acts. The Act differs from ordinary constitutions in that it was not adopted directly or indirectly by the persons whom it governs, and in that it may be amended or repealed precisely as any other statute of the British; but nevertheless, as it is an organic act creating an elaborate system of government for a vast region, it may even be termed, as it sometimes is termed, the Constitution of Canada. It differs greatly from the Constitution of the United States. The very form and phraseology remind the reader of a statute, and not at all of a constitution. Hence it is no surprise to fail to find the familiar provisions of the Constitution of the United States. When one looks below the surface, the difference between the legislative powers created by these two instruments — the two instruments governing almost the whole of one continent — becomes still more striking. Although in each instance we find a Federal Government and State or Provincial Governments, nevertheless in